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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,041	02/16/2001	Yoichi Mizuno	0033-0693P	2528

2292 7590 10/01/2003

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EXAMINER

FISCHER, JUSTIN R

ART UNIT PAPER NUMBER

1733

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/784,041

Applicant(s)

MIZUNO, YOICHI

Examiner

Justin R Fischer

Art Unit

1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 2

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

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Continuation of 5: As set forth in the Final rejection, Muraoka teaches a heavy-duty tire construction having a chafer component formed of substantially the same composition as that required by the claimed invention. The chafer composition of Muraoka is only devoid of a specific teaching of the properties of the carbon black and the use of a bis-imide additive. Regarding the first deficiency, Matsue and Carter have been applied to evidence the claimed range for the surface area as being extremely well known and consistent with commonly used carbon black in tire rubber compositions. Thus, the remaining question is whether one of ordinary skill in the art at the time of the invention would have found it obvious to include the claimed bis-imide compound in the chafer composition of Muraoka.

It is initially noted that Muraoka describes the object of his invention as forming a chafer component "excellent in hardness, durability, and aging resistance" (Column 1, Lines 60-667). In describing the chafer composition, Muraoka further states "the rubber composition may contain other additives for rubbers generally used in the production of tires" (Column 4, Lines 52-56). Thus, while Muraoka fails to expressly describe the inclusion of bis-imide, it is clearly evident that one of ordinary skill in the art at the time of the invention would have readily appreciated the use of additional additives to the base chafer composition of Muraoka. As evidenced by Majumdar, the claimed bis-imide is a recognized additive for tire rubber compositions, especially those containing natural rubber such as the chafer composition of Muraoka. In this regard, the claimed bis-imide additive reduces heat generation, improves durability, and reduces reversion (analogous to reduction of aging). Thus, in view of the recognized benefits of the claimed bis imide additive and the properties desired by Muraoka, one of ordinary skill in the art at the time of the invention would have readily appreciated the inclusion of BCI in the chafer rubber composition of Muraoka. Lastly, the data in Table 3 is not found to be persuasive in establishing an unexpected criticality for the inclusion of BCI in the claimed amount, as previously set forth in Paper Number 20, Paragraph 3.

Justin Fischer
9/29/03

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